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Supreme Court of the United States

WASHINGTON, D. C.

No. 920

PAUL L. MARSHALL, in proper person,
Appellant,

versus

DONALD A. MAGINNIS, JR., ET AL.,
Appellee.

In Re: Paul L. Marshall, Applying for Writ of Certiorari and Review, Judges of the Fifth Circuit Court of Appeals.

BRIEF IN SUPPORT OF APPLICATION FOR CERTIORARI AND REVIEW

PAUL L. MARSHALL,
in proper person,
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New Orleans 17, Louisiana

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MAY IT PLEASE THE COURT:

This suit was filed by Paul L. Marshall, a taxpayer and a citizen of the United States and of the State of Louisiana, City of New Orleans, Parish of Orleans, for the purpose of defense of his Constitutional rights under the Constitution and the United States Code of Law, of the United States, where he was denied the right to file and qualify to become a candidate for election to public office.

The basis of this suit is the Constitutional provisions preventing any state or its elected officials and the state committee's political parties from depriving or denying any citi-

zen their Constitutional rights guaranteed them under and by the Constitution, and the Titles and Sections of the United States Code of Law vnich was invoked in this suit.

The Opinion of the trial judge and the judges of the Fifth Circuit Court of Appeals, appellant does not agree in the manner that the trial judges has ruled in the case by rendering judgment in favor of defendants, etc. There were no reasons given for the findings, even though there are some very confusing replies in answer to the suit.

The judges of the Appeal Court have erred when dismissing the suit for lack of jurisdiction, appellant does not and cannot agree with the court, for the following reasons, viz: The court went to great length to point out the claims of the defendants, which shows in the Per Curiam as outlined, but there is no evidence in the Per Curiam where the Constitution and the Titles of the United States Code of Law which was passed by the Congress of the United States to cope with such situations when and should any arrive, therefore appellant contends that the Appeal Court does have jurisdiction, notwithstanding Article III of the first seven Articles of the Constitution, which does give the court jurisdiction. The court does have jurisdiction by the Titles and Sections of the United States Code of Law which was invoked in this suit.

Appellant finds it hard to conceive that the courts can and did hold that a citizen's Constitutional rights are violated when forced to attend separate schools with equal facilities; and it does not find that the Constitutional rights of a citizen is violated when the political committee that is responsible for the carrying out of the laws do not function, but only

when it sees fit or meets with their own approval, and that no separate committees with equal facilities exist to turn to when it is that committee or nothing, and the State Department of Justice fails and refuses to act, rather than tell you to engage a practicing attorney and that you can take any steps that you deem necessary, which is one of the most polite ways of telling one to jump in the lake, and further it is very confusing to understand what does constitute Constitutional rights, when separate schools are in violation, and yet the one committee and the only one that fails to function in accordance to the laws, does not violate the Constitutional rights of the citizens and the voters, is yet for the courts to define, and since the Appeal Court has gone to great length to point out Paragraph 7 of the complaint where it reads: "It is not the intention to ask the court to impose any penalties upon the defendants, which was also pointed out by the defendants, it by no reasonable means restricts the rights of the court to impose any and all penalties that the court regards reasonable to the cause of the violation, and it leaves appellant with the opinion that the court has given or paid all its attention to the claims of the defendants rather than to the Constitution and the United States Code of Law, which was and is invoked in the suit." Appellant would like to say that it was his opinion that the court would deal with such matters as it determined and judged to be correct and justified.

Appellant firmly believes that the court either has ignored the Constitution and the Titles and Sections of the United States Code of Law or it is not fully familiar with such, and he is of the opinion that the court has defeated itself for the cause for which it was created under and by the Constitution of the United States, and appellant does show

how relief can be granted, by ordering the defendants to comply with the law and to find the Louisiana Primary Election laws unconstitutional and further, while the court stated in its findings, "The court feels that it has no jurisdiction which impressed appellant that the court in its findings is in conflict with the Constitution and the United States Code of Law. Appellant thinks that the findings of the court is a personal matter and is without merit since all United States Courts are subject to the United States Constitution as adopted by the United States Congress."

Appellant is sure that there was no doubt in the mind of the court, since it was called to their attention that Congress has passed into law the Titles and Sections of the United States Code of Law for the sole purpose to deal with such a matter or situation as it may arrive, therefore the court should not let its feelings be the sole reason to dismiss the suit, as it does have jurisdictions, and appellant had asked the court for clarification in his action, when the court was asked if it was wrong for any citizen to come in to the courts to ask that their Constitutional rights be protected by the courts and that they get redress, and in either case or time there drew no response, which leaves appellant with the opinion that since he, not being an attorney, such answers are not obtainable, which is a plain indication that Constitutional rights are on some kind of a ration basis.

Appellant fully believes that your honorable body are fully cognizant of Congressional authority, since the Constitution gives all United States citizens the right to petition the United States Congress from any decision of the United States Supreme Court, if said decision does not protect his or her Constitutional rights.

Appellant would like to quote the Supreme Court in the case of *The Philadelphia Company vs. Stimpson:* "Exemption of the United States from suit does not protect its officers from personal liability, to the person whose rights and property they have wrongfully invaded," which leaves appellant with the impression that the lower courts are in violation of Title 20 of the United States Code of Law.

Appellant asks, for the above reasons stated, that the court set aside the order of the lower court and order the case to be retried. This suit involves the State of Louisiana and its officials and therefore the court does have jurisdiction in accordance with Article III of the first seven Articles, Section II.

Appellant asks that the court consider the hearings on the above entitled case on the pleadings on the final and that appellant be heard on oral arguments at the time the said case is assigned for hearings.

Appellant is not an attorney and is not accustomed to writing briefs and for that reason it is requested that appellant be heard.

Appellant went to great length to point out to the lower court that to dismiss this suit it would be like giving the defendants a green light to go out and continue to do as in the past only with the exception that they would have the approval of the court to do so, which they hadn't had before.

Appellant is in the position and can prove to the court that conditions did and are worse than they were before and the

defense attorney has played a great part in the role in the last offense, and that this court allow appellant his costs herein and grant him such further additional or alternative relief as may appear to the court to be equitable and just in the premises.

Appellant asks that this Honorable Court grant the request.

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CERTIFICATE

I certify that a copy of the foregoing brief has been served upon opposing counsel of record by placing the same properly addressed in the United States mail with adequate postage affixed thereto.

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